

1 MITCHELL D. GLINER, ESQ.  
2 Nevada Bar #003419  
3 3017 W. Charleston Blvd., #95  
4 Las Vegas, NV 89102  
(702) 870-8700  
(702) 870-0034 Fax  
5 Attorney for Plaintiff

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 JASON KENNEDY, )  
9 )  
10 Plaintiff, ) No.  
vs. )  
11 )  
12 CBE CUSTOMER SOLUTIONS, INC. )  
d/b/a CBE GROUP, )  
13 ) JURY DEMANDED  
14 Defendant. )  
15

16 **COMPLAINT**

17 **JURISDICTION**

18 1. The jurisdiction of this Court attains pursuant to the FDCPA, 15 U.S.C.  
§ 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332, and the doctrine of supplemental jurisdiction.  
19 Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose  
20 from acts of the Defendant(s) perpetrated therein.  
21

22 **PRELIMINARY STATEMENT**

23 2. This action is instituted in accordance with and to remedy Defendant's violations  
of the Federal Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter  
24 "FDCPA"), and of related state law obligations brought as supplemental claims hereto.  
25

26 3. In 2015, Defendant initiated a campaign of abusive, unfair, unreasonable, and  
27 unlawful debt collection activity directed against Plaintiff.  
28

4. As a result of these and other violations of law, Plaintiff seeks hereby to recover actual and statutory damages together with reasonable attorney's fees and costs.

## PARTIES

5. Plaintiff, Jason Kennedy, is a natural person who resides in Las Vegas, Nevada, and is a "consumer" as defined by 15 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by 15 U.S.C. Section 1692a(5).

6. Defendant, CBE Customer Solutions, Inc. d/b/a CBE Group, is a Foreign Corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Cedar Falls, IA, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. Section 1692a(6).

## FACTUAL ALLEGATIONS

7. Plaintiff(s) repeat, reallege and assert all factual allegations contained in the preliminary statement to this Complaint and reassert them as incorporated in full herein.

8. On March 23, 2015 Defendant dunned Plaintiff for an alleged debt.

9. On March 30, 2015 Plaintiff wrote Defendant advising of his refusal to pay (Exhibit 1).

10. Plaintiff's written refusal to pay required Defendant cease and desist all collection communications in accordance with FDCPA § 1692c(c):

(c) **Ceasing communication** - *If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt.*

11. Notwithstanding, on April 4, 2015 Defendant dunned Plaintiff requesting payment in the amount of \$4,354.60 (Exhibit 2).

12. Exhibit 2 was sent in violation of FDCPA §§ 1692c and 1692d.

13. The foregoing acts and omissions of Defendant were undertaken by it willfully, maliciously, and intentionally, knowingly, and/or in gross or reckless disregard of the rights of Plaintiff.

14. Indeed, the foregoing acts and omissions of Defendant were undertaken by it indiscriminately and persistently, as part of its regular and routine debt collection efforts, and without regard to or consideration of the identity or rights of Plaintiff.

15. As a proximate result of the foregoing acts and omissions of Defendant, Plaintiff has suffered actual damages and injury, including, but not limited to, stress, humiliation, mental anguish and suffering, and emotional distress, for which Plaintiff should be compensated in an amount to be proven at trial.

16. As a result of the foregoing acts and omissions of Defendant, and in order to punish Defendant for its outrageous and malicious conduct, as well as to deter it from committing similar acts in the future as part of its debt collection efforts, Plaintiff is entitled to recover punitive damages in an amount to be proven at trial.

## CAUSES OF ACTION

## COUNT I

17. The foregoing acts and omissions of Defendant constitute violations of the FDCPA, including, but not limited to, Sections 1692c, 1692d and 1692e.

18. Plaintiff is entitled to recover statutory damages, actual damages, reasonable attorney's fees, and costs.

## COUNT II

19. The foregoing acts and omissions constitute unreasonable debt collection practices in violation of the doctrine of Invasion of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp. 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

20. Plaintiff is entitled to recover actual damages as well as punitive damages in an amount to be proven at trial.

JURY DEMANDED

Plaintiff hereby demands trial by a jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

1. Award actual damages.
2. Award punitive damages.
3. Award statutory damages of \$1,000 pursuant to 15 U.S.C. § 1692k.
4. Award reasonable attorney fees.
5. Award costs.
6. Grant such other and further relief as it deems just and proper.

MITCHELL D. GLINER, ESQ.  
Nevada Bar #003419  
3017 W. Charleston Blvd. #95  
Las Vegas, Nevada 89102  
Attorney for Plaintiff

March 30, 2015

Via Certified Mail

CBE group  
PO Box 930  
Waterloo, IA 50704-0930

Dear Sir,

I enclose your March 23, 2015 correspondence.

It is not my intent to dispute this debt. I lack adequate income. This is neither a request for validation nor dispute, but rather, a refusal to pay. My very few resources are focused on the support of my young son. I will most certainly let you know if anything changes.

Thank you in advance for your anticipated courtesy.

Sincerely,

Jason Kennedy

Enclosure

EXHIBIT 1



Corporate Address: 1309 Technology Pkwy, Cedar Falls, IA 50613  
Hours of Operation: 7:00 am - 9:00 pm CT Monday - Thursday  
7:00 am - 6:00 pm CT Friday  
9:00 am - 1:00 pm CT Saturday

CALL: (866)910-3185

REGARDING: U S DEPARTMENT OF EDUCATION

Your Account Number: 1003880646

Total Amount Due: \$4,364.25

03/23/15

Dear JASON KENNEDY:

U S DEPARTMENT OF EDUCATION has forwarded your account to our office to collect the balance in full unless disputed within 30 days from receipt of this letter.

Your account is in default. To pay your account and ensure proper credit, please note your account number on your check and mail it with the bottom portion of this letter in the enclosed envelope.

Please choose one of the payment options below to pay this debt:

- Pay by AUTOPAY CHECK OR CREDIT CARD (Please call our office at (866)910-3185)
- SEND YOUR CERTIFIED BANK CHECK OR MONEY ORDER (Insert in enclosed envelope with bottom of letter)

As of the date of this letter, you owe \$4,364.25. Because of interest and other charges assessed by your creditor your balance may vary from day to day, the amount due on the day you pay may be greater. Thus, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you.

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days after receiving this notice, that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within thirty (30) days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor. This is an attempt to collect a debt; any information obtained will be used for that purpose. This communication is from a debt collector.

All correspondence other than payments should be mailed to P.O. Box 930, Waterloo, IA 50704-0930.

Please see next page for additional detailed account information.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Please note any change in your name, address or phone on the reverse side and call our office.

PLEASE DETACH AND RETURN WITH ENCLOSED ENVELOPE

Do not send cash  
Note your account number on your check  
Make checks payable to US Department of Education  
Return this portion with your payment

PO BOX 930  
WATERLOO, IA 50704-0930  
CHANGE SERVICE REQUESTED

Do not send cash  
Note your account number on your check.  
Make checks payable to US Department of Education  
Return this portion with your payment

03/23/15 CALL: (866)910-3185 CS Number: 08-001432719  
001432719-09-000008

0800 550970923

JASON KENNEDY  
8686 BOLTON CT  
LAS VEGAS, NV 89148-1463

NATIONAL PAYMENT CENTER  
U.S. DEPARTMENT OF EDUCATION  
P.O. BOX 105028  
ATLANTA, GA 30348-5028



CALL: (866)910-3185

REGARDING: U S DEPARTMENT OF EDUCATION

Corporate Address: 1309 Technology Pkwy, Cedar Falls, IA 50613  
 Hours of Operation: 7:00 am - 9:00 pm CT Monday - Thursday  
                          7:00 am - 6:00 pm CT Friday  
                          9:00 am - 1:00 pm CT Saturday

Your Account Number: 1003860646

Total Amount Due: \$4,354.60 

04/04/15

Dear JASON KENNEDY:

Thank you for your recent correspondence.

Please call our office at (866)910-3185 if you have any questions about your account.

As of the date of this letter, you owe \$4,354.60. Because of interest and other charges assessed by your creditor that may vary from day to day, the amount due on the day you pay may be greater. Thus, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you.

This is an attempt to collect a debt; any information obtained will be used for that purpose.

This communication is from a debt collector.

## NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Please note any change in your name, address or phone on the reverse side and call our office.

PLEASE DETACH AND RETURN WITH ENCLOSED ENVELOPE

337CDCBEG080825

PO BOX 930  
 WATERLOO, IA 50704-0930  
 CHANGE SERVICE REQUESTED

Do not send cash  
 Note your account number on your check  
 Make checks payable to US Department of Education  
 Return this portion with your payment

ACCOUNT #:	DATE:	PLEASE PAY THIS AMOUNT:
1003860646	04/04/15	\$4,354.60 <input checked="" type="checkbox"/>
AMOUNT ENCLOSED:		

04/04/15 CALL: (866)910-3185 CS Number: 08-001432719  
 001432719-09-000008

560760706  
 JASON KENNEDY  
 8686 BOLTON CT  
 LAS VEGAS, NV 89148-1463

NATIONAL PAYMENT CENTER  
 U.S. DEPARTMENT OF EDUCATION  
 P.O. BOX 105028  
 ATLANTA, GA 30348-5028

4 326234265025 0000004950 00000544

4 326234265025 0004042015 04354602

EXHIBIT 2